

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

URBAN GROUP EXERCISE CONSULTANTS,  
LTD.

Plaintiff,

v.

DICK'S SPORTING GOODS, INC.,

Defendant.

Civil Action No. 1:12-CV-3599 (RWS)

**NOTICE OF DICK'S SPORTING GOODS, INC.'S MOTION TO DISMISS  
PLAINTIFF'S SECOND AMENDED COMPLAINT UNDER FED. R. CIV. P. 12(b)(6)**

PLEASE TAKE NOTICE that upon the accompanying Motion and Memorandum of Law to Dismiss Plaintiff's Second Amended Complaint Under Fed. R. Civ. P. 12(b)(6), Defendant Dick's Sporting Goods, Inc. ("DSG") moves this Court before the Honorable Robert W. Sweet, United States District Court Judge, in Courtroom 18C, at the United States Courthouse, 500 Pearl Street, New York, New York, on Wednesday, October 17, 2012, at 12 Noon, for an order granting DSG's above-referenced motion, pursuant to the Court's inherent authority and Fed. R. Civ. P. 12(b)(6).

This Notice of Motion along with DSG's Motion and Memorandum of Law to Dismiss Plaintiff's Second Amended Complaint Under Fed. R. Civ. P. 12(b)(6) were filed with the Clerk of the Court on September 13, 2012. In addition, this Notice of Motion and DSG's Motion and Memorandum of Law to Dismiss Plaintiff's Second Amended Complaint Under Fed. R. Civ. P. 12(b)(6) were served on Plaintiff's counsel on September 13, 2012.

Respectfully submitted,

Dated: September 13, 2012

/s Jeffrey P. Dunning

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*Attorneys for Defendant Dick's Sporting Goods, Inc.*

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that on this 13<sup>th</sup> day of September, 2012, the foregoing document is being served on all counsel of record listed on the below Service List via the Case Management/ Electronic Case Filing (CM/ECF) and *electronic mail*.

/s/ Jeffrey P. Dunning  
Jeffrey P. Dunning

**SERVICE LIST**

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